IN THE HIGH COURT OF BOMBAY AT GOA

FIRST APPEAL NO. 110 OF 2000
WITH MISCELLANEOUS CIVIL APPLICATION NO. 293 OF 2005

Shri Shankar Datta Gaonkar,
H.No.853/4, Tembiwada, Nagorcem,
Canacona, Goa. … Appellant/Applicant.

Versus

1. Special Land Acquisition Officer,
South Goa, KRCL, Amey Guest
House, Davorlim, Road, P.O.
Navelim, Salcete, Goa, 403 707, and

2. The Chief Engineer, Konkan
Railway Corporation Ltd.,
4th Floor, Souza Towers,
Church Square, Panaji, Goa, 403001. …Respondents.

Mr. P. A. Kamat, advocate for the appellant/applicant.

Mr. E. Afonso, advocate for the respondent no.1.

CORAM : R. M. LODHA, J.

DATE : 16th September, 2005.

ORAL JUDGMENT

Heard. For the reasons stated by me in the judgment passed today in First Appeal No.22 of 2000 and Miscellaneous Civil Application No.289 of 2005, which may be treated as part of this Judgment, the market value of the subject land is fixed at the rate of Rs.19/- (rupees

nineteen only) per square metre.

2. However, it appears from paragraph 10 of the impugned Judgment that in addition to the appellant there are other co-owners. Besides that substantial part of the land is tenanted land. The learned counsel for the appellant does not dispute the observations made by the Reference Court in paragraph 10 in that regard. It is, therefore, clarified that the appellant shall be entitled to the enhanced compensation at the rate of Rs.19/- (rupees nineteen only) per sq. mt. only to the extent of his share in the property as owner and as tenant as referred to in paragraph 10 of the Reference Court Judgment. The appellant shall also be entitled to statutory benefits of solatium and interest on the enhanced amount of compensation.

3. The First Appeal and the Miscellaneous Civil Application stand disposed of in terms aforestated with no costs.

R. M. LODHA, J.

mc.